

establishing a national historic light-house preservation program, as amended.

The Clerk read as follows:

H.R. 4613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Historic Lighthouse Preservation Act of 2000".

SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.

Title III of the National Historic Preservation Act (16 U.S.C. 470w, 470w-6) is amended by adding at the end the following new section:

"SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.

"(a) IN GENERAL.—In order to provide a national historic light station program, the Secretary shall—

"(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

"(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

"(3) sponsor or conduct research and study into the history of light stations;

"(4) maintain a listing of historic light stations; and

"(5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

"(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

"(1) PROCESS AND POLICY.—Not later than one year after the date of the enactment of this section, the Secretary and the Administrator shall establish a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of such light station by the eligible entity.

"(2) APPLICATION REVIEW.—The Secretary shall review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be 'excess property' as that term is defined in the Federal Property Administrative Services Act of 1949 (40 U.S.C. 472(e)), and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the state in which the historic light station is located.

"(3) CONVEYANCE OF HISTORIC LIGHT STATIONS.—(A) Except as provided in subparagraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c) after the Secretary's selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105-383).

"(B)(i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

"(ii) If the Secretary approves the conveyance of a historic light station referenced in this paragraph, such conveyance shall be subject to the conditions set forth in subsection (c) and any other terms or conditions the Secretary con-

siders necessary to protect the resources of the park unit or wildlife refuge.

"(iii) If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraphs (A) through (D) and (H) of subsection (c)(1) and subsection (c)(2) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

"(iv) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities, as provided in this Act, to the extent such cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.

"(c) TERMS OF CONVEYANCE.—

"(1) IN GENERAL.—The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that—

"(A) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

"(B) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

"(C) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

"(D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and expense, use and maintain the historic light station in accordance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the state in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.7;

"(E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

"(F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

"(G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless

such commercial activities are approved by the Secretary; and

"(H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

"(2) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which a historic light station is conveyed under this section shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aids to navigation permitted under section 83 of title 14, United States Code, to the eligible entity.

"(3) REVERSION.—In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

"(A) the historic light station, any part thereof, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity's application;

"(B) the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

"(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;

"(D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;

"(E) the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or

"(F) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.

"(d) DESCRIPTION OF PROPERTY.—

"(1) IN GENERAL.—The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, United States Coast Guard, and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the light station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.

"(2) ARTIFACTS.—Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, United States Coast Guard.

"(3) COVENANTS.—All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

"(4) SUBMERGED LANDS.—No submerged lands shall be conveyed under this section.

"(e) DEFINITIONS.—For purposes of this section:

"(1) ADMINISTRATOR.—The term 'Administrator' shall mean the Administrator of General Services.

"(2) HISTORIC LIGHT STATION.—The term 'historic light station' includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated therewith; provided that the 'historic light station' shall be included in or eligible for inclusion in the National Register of Historic Places.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' shall mean:

"(A) any department or agency of the Federal Government; or

"(B) any department or agency of the State in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that—

"(i) has agreed to comply with the conditions set forth in subsection (c) and to have such conditions recorded with the deed of title to the historic light station; and

"(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c).

"(4) FEDERAL AID TO NAVIGATION.—The term 'Federal aid to navigation' shall mean any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior."

SEC. 3. SALE OF HISTORIC LIGHT STATIONS.

Title III of the National Historic Preservation Act (16 U.S.C. 470w, 470w-6), as amended by section 2 of this Act, is amended by adding at the end the following new section:

"SEC. 309. HISTORIC LIGHT STATION SALES.

"(a) IN GENERAL.—In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services and consistent with the requirements of section 308, subparagraphs (A) through (D) and (H) of subsection (c)(1), and subsection (c)(2). Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

"(b) NET SALE PROCEEDS.—Net sale proceeds from the disposal of a historic light station—

"(1) located on public domain lands shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994 (Public Law 103-451) within the Department of the Interior; and

"(2) under the administrative control of the Coast Guard shall be credited to the Coast Guard's Operating Expenses appropriation account, and shall be available for obligation and

expenditure for the maintenance of light stations remaining under the administrative control of the Coast Guard, such funds to remain available until expended and shall be available in addition to funds available in the Operating Expense appropriation for this purpose."

SEC. 4. FUNDING.

There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

□ 1800

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4613 was introduced by the gentleman from Indiana (Mr. SOUDER) and amends the National Historic Preservation Act for purposes of establishing a National Historic Lighthouse Preservation Program. This legislation has been a long time coming, and the gentleman from Indiana is to be congratulated in working hard to get all parties to agree to this bill.

Specifically, H.R. 4613 establishes a process for the conveyance of excess historic lighthouses from Federal ownership to eligible entities who have agreed to the terms and conditions of the conveyance. Eligible entities can include Federal, State or local agencies, along with nonprofit corporations and community development organizations.

The bill also provides for the establishment of a national historic light station program to collect information on, foster educational programs relating to, and maintaining a listing of historic light stations.

Mr. Speaker, lighthouses and light stations have long played an important role in our Nation's history. Today, the United States has the largest number of lighthouses, as well as the most diverse collection of light stations, in any country in the world. There are 633 lighthouses built before 1939 and classified as historic. The majority of these lighthouses are owned by the Federal Government. A number of historic lighthouses have been leased to local communities and nonprofit lighthouse friends groups for parks, recreation, and educational purposes. The costs associated with maintaining a historic lighthouse in compliance with National Historic Preservation standards can be significant.

Federal agencies with direct responsibilities for these lighthouses have begun to look for an alternative means for efficient management and reducing costs. However, current procedures for disposal of these sites do not guarantee that all historic light stations will be protected. H.R. 4613 would alleviate these problems by providing a mecha-

nism to ensure that light stations will be protected not only for their significant historic values but also for architectural contributions.

Mr. Speaker, this bill is supported by the minority and the administration. It serves a very important purpose, and I urge my colleagues to support H.R. 4613, as amended.

Mr. Speaker, I submit for the RECORD letters to and from the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Alaska (Mr. YOUNG) regarding this bill.

HOUSE OF REPRESENTATIVES,

COMMITTEE ON RESOURCES,

Washington, DC, September 21, 2000.

Hon. BUD SHUSTER,

Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: I ask your help in scheduling H.R. 4613, authored Congressman Mark Souder, for consideration by the House of Representatives as soon as possible.

H.R. 4613 was referred solely to the Committee on Resources, but I believe that your committee has a jurisdictional interest in the bill. The bill amends the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program. The bill was introduced on June 8, 2000, and the Subcommittee on National Parks and Public Lands held a hearing on the bill on July 13, 2000. The Committee on Resources ordered the bill favorably reported with technical amendments by voice vote on September 13, 2000. My staff has forwarded a copy of the bill report to your staff for review.

Because the House has less than 3 weeks before the target adjournment, I ask that you not seek a sequential referral of the bill. This action would not be considered as precedent for any future referrals of similar measures or seen as affecting your Committee's jurisdiction over the subject matter of the bill. Moreover, if the bill is conferenced with the Senate, I would support naming Transportation and Infrastructure Committee members to the conference committee.

I look forward to your response and would be pleased to include it and this letter in the report on H.R. 4613.

Sincerely,

DON YOUNG, *Chairman.*

COMMITTEE ON TRANSPORTATION

AND INFRASTRUCTURE,

Washington, DC, September 26, 2000.

Hon. DON YOUNG,

Chairman, Committee on Resources, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 4613, the National Historic Lighthouse Preservation Act of 2000. The Transportation and Infrastructure Committee has a jurisdictional interest in this bill, to the extent that it may affect Coast Guard lighthouses and adjacent property that have not been declared excess to the needs of the Coast Guard and transferred to the General Services Administration for disposal. However, we have reviewed H.R. 4613, and agree not to request a sequential referral of this bill.

I appreciate your acknowledgement that this action will not be considered as precedent for future referrals of similar measures or affect the Transportation and Infrastructure Committee's jurisdiction over the subject matter of the bill. I also appreciate your support for naming Transportation and Infrastructure members to the conference committee on H.R. 4613.

With kind personal regards,
Sincerely,

BUD SHUSTER, *Chairman*.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, H.R. 4613, sponsored by the gentleman from Indiana (Mr. SOUDER), would amend the National Historic Preservation Act to create a program under which historic lighthouses might be transferred to State, local, or private ownership. Such a program is needed as technological developments render more and more of these properties outdated. It would be a shame, indeed, if historical and educational values of these old lighthouses were lost to all Americans simply because they are no longer needed by the ship captains.

Mr. Speaker, we support H.R. 4613, and we urge our colleagues to vote for it.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER), the author of this legislation.

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Utah (Mr. HANSEN) for moving this bill forward, as well as the ranking minority member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), and his cosponsorship. I very much appreciate the bipartisan effort that we have been able to develop on this bill.

I also want to publicly thank Senator MURKOWSKI of Alaska, who has been the leader in passing this in the last Congress in the Senate and through the Committee on Resources this time, and I hope we can finally get this bill done.

This bill would amend the National Historic Preservation Act to establish a historic lighthouse preservation program within the Department of the Interior. It also directs an improved process for conveying historic lighthouses. It has not been fair that some community organizations have worked to preserve and restore these lighthouses only in the conveyance process to have to go through a bidding process where first government agencies sometimes get a crack at it, other times private entities, and the very groups that worked so hard to preserve it get to be last in line. This, I believe, will correct that.

When a historic lighthouse has been deemed excess to the needs of the Federal Government, the General Services Administration will convey it, for free, so the groups do not get in a bidding war, to a selected entity for education, park, recreation, cultural, and historic preservation purposes. It is important to note that groups selected for conveyance will be obligated to maintain the integrity of these historic struc-

tures. In fact, lighthouses conveyed pursuant to this act would convert back to the Federal Government if the property ceases to be used for education, park, recreation, cultural or historic preservation purposes; or if it is not maintained in compliance with the National Historic Preservation Act.

Having public access to these lighthouses is extremely important, and there are many more lighthouses, more than we have had in the many years up to this point that are about to be conveyed into the private sector. I have a couple of beautiful models from my office to illustrate this point. This is near Stony Brook on Long Island at Old Field Lighthouse. Here the local town uses this building for a community office and then the public can arrange tours to go through the lighthouse. That is a multiple-use purpose where the public can still appreciate this beautiful lighthouse.

I brought this one from my office today, the Spectacle Reef in the Great Lakes region, to illustrate another point that I want to make sure the legislative language reflects. Some of these are out in the middle of the Great Lakes, or off the shore in the ocean, or in Chesapeake Bay. Those lighthouses, we need to understand, will not have the same public access as would a lighthouse on the shore. While that is not in the bill, I think we understand that and it has been a point brought to our attention by the Great Lakes lightkeepers.

Mr. Speaker, I want to thank the chairman again for his leadership, and I submit for the RECORD testimony offered at a hearing held before the Subcommittee on National Parks and Public Lands regarding this topic:

TESTIMONY OF RICHARD L. MOEHL, PRESIDENT, GREAT LAKES LIGHTHOUSE KEEPERS ASSOCIATION

The Process and Policy process of this Bill (H.R. 4613) will determine the success of the legislation.

1. Off-shore and remote light stations deserve special considerations.

a. Seasonal and weather related access limits the practical and productive time at these light stations.

b. The cost of restoring and preserving these light stations is five to ten times the cost of restoring and preserving a drive-up-to light station.

c. Sanitation conditions are a challenge. Taking care of human waste is different today than when these light stations were originally operated. This may be THE major problem in restoring offshore lighthouses. A solution MUST be found.

d. Boat expenses for mooring, insurance, inspections, maintenance and operations can run into the tens of thousands of dollars per year.

2. The "open to the public" portion of the Bill needs some "teeth" put into the Process and Policy decision. Regulations are needed such as the prohibition of alcohol and tobacco products at the light station. We see too many boaters smoking and with alcohol products in hand visiting the St. Helena Is-

land Light Station. Prohibition of these risky activities would carry more enforcement weight if included in deeds.

3. The limitation on commercial activities cannot exclude fund raising for restoration, preservation and operational expenses.

4. Michigan Lighthouse Project: This collaboration of agencies and organizations to facilitate the transfer of historic light stations in the State of Michigan can be a model for other states and regions.

5. The State of Michigan, and possibly other states, has a law of public trust that prohibits certain uses of bottomlands upon which the off-shore lights in the State of Michigan are built. The interpretation of this "public trust" needs to be resolved in order for any of these light stations to be transferred. In the meanwhile long-term leases can transfer control; but there needs to be a little transfer provision for the lessee should the public trust law be resolved.

6. All eligible entities need to have access to surplus Federal personal property i.e. generators, boats and other needed supplies.

7. Group insurance, liability and theft/vandalism for valuable historic artifacts, coordinated with these transfers needs to be a consideration.

8. A National Lighthouse Preservation Fund should be put into place. Upwards of \$750,000 can be spent abating, stabilizing, dealing with public health issues, and completing a Historic Structures Report to begin the needed restoration process.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4613, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

WILLING SELLER AMENDMENTS OF 2000 TO THE NATIONAL TRAILS SYSTEM ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2267) to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Willing Seller Amendments of 2000 to the National Trails System Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In spite of commendable efforts by the governments of States and political subdivisions of